IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frederick S. DUNLAP, et al.

Title: **SYSTEM AND METHOD FOR FORCING AN SRAM INTO A KNOWN STATE DURING POWER-UP**

App. No.: 09/477,099   Filed: 01/04/2000

Examiner: Jacob F. BETIT   Group Art Unit: 2164

Customer No.: 48744   Confirmation No.: 8711

Atty. Dkt. No.: 1458-P04056

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO THE DIRECTOR UNDER 37 C.F.R. 1.181

Dear Sir:

The Applicants hereby petition to invoke the supervisory authority of the Director to direct the entry of claim amendments submitted after final rejection.

The relevant facts are as follows:

1.   The Office issued a Final Office Action (hereinafter, "the Final Action") dated December 13, 2004. The Final Action rejected all of the pending claims (claims 1-20).

2.   The Applicants submitted a response (hereinafter, "the Response") to the Final Action on February 8, 2005. In the Response, the Applicants proposed amending claim 1 to recite the elements of dependent claim 10 so that claim 1 was to have the same scope as claim 10, claim 11 to recite the elements of dependent claim 20 so that claim 11 was to have the same scope as claim 20. In the Remarks section of the Response, the Applicants provided support for their interpretation that claims 1 and 10, as amended based on claims 10 and 20, respectively, are allowable over the art of record.
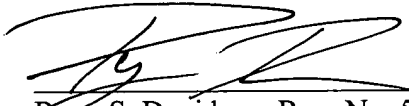
3.   The Office issued an Advisory Action dated March 7, 2005 (hereinafter, "the Advisory Action"). The Advisory Action indicated that the proposed amendments would not be entered because, allegedly, "they raise new issues that would require further consideration and/or search" and "they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal." The Advisory Action also indicated that the proposed amendments would not be entered for purposes of appeal.

4.   The Advisory Action does not provide any indication that the Examiner considered the merits of the Applicants' remarks with regard to the amendments to claims 1 and 11 in view of the claim rejections.

The Applicants submit that the Examiner's refusal to enter the claim amendments to claims 1 and 11 for purposes of appeal was improper. As provided by 37 C.F.R. Section 1.116(a), "[a]mendments made presenting rejected claims in better form for consideration on appeal may be admitted." In the Response, the Applicants proposed amending independent claims 1 and 11 to further each and every feature recited by dependent claims 10 and 20, respectively. Although the proposed amendments to claims 1 and 11 may have the effect of changing the scope of other claims that depend from claims 1 and 11, the proposed amendments narrowed the scope of all pending claims and therefore present the rejected claims in better form for appeal by reducing and simplifying issues for appeal. Moreover, as discussed in detail in the remarks section of the Response, the Applicants believe that claims 1 and 11, if amended as proposed, would place all claims in condition for allowance. Accordingly, the claims depending from claims 1 and 11 would be allowable over the art of record at least by virtue of their dependency from one of claims 1 or 11, subject to any rejections under 35 U.S.C. Section 112. Thus, because the proposed amendments to claims 1 and 11 would present the claims in better form for appeal and are believed to place all of the claims in condition for allowance, the Applicants hereby petition the Director to direct the entry of the proposed claim amendments to claims 1 and 11 in view of 37 C.F.R. Section 1.181.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 01-0365.

Respectfully submitted,

12 May 2005
Date

Ryan S. Davidson, Reg. No. 51,596
On Behalf Of
J. Gustav Larson, Reg. No. 39,263,
Attorney for Applicants
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone) (512) 327-5452 (fax)